



**TIFFANY & BOSCO**  
P.A.

**2525 EAST CAMELBACK ROAD  
SUITE 300**

**PHOENIX, ARIZONA 85016**

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**Dated: December 20, 2010**

A handwritten signature in black ink, appearing to read "George B. Nielsen, Jr.", is written over a horizontal line.

**GEORGE B. NIELSEN, JR**  
**U.S. Bankruptcy Judge**

Mark S. Bosco  
State Bar No. 010167  
Leonard J. McDonald  
State Bar No. 014228  
Attorneys for Movant

10-51748

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE:

Julian Rodriguez  
Debtor.

No. 2:10-BK-36120-GBN

Chapter 7

ORDER

The Bank of New York Mellon, fka The Bank of  
New York, as successor to JPMorgan Chase Bank,  
N.A. as Trustee for Structured Asset Mortgage  
Investments II Inc. Bear Stearns ALT-A Trust,  
Mortgage Pass-Through Certificates, Series 2004-  
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Movant,  
vs.

Julian Rodriguez, Debtor, Jill H. Ford, Trustee.

Respondents.

(Related to Docket #9)

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefore,

IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real  
2 property which is the subject of a Deed of Trust dated October 12, 2004 and recorded in the office of the  
3 Maricopa County Recorder wherein The Bank of New York Mellon, fka The Bank of New York, as  
4 successor to JPMorgan Chase Bank, N.A. as Trustee for Structured Asset Mortgage Investments II Inc.  
5 Bear Stearns ALT-A Trust, Mortgage Pass-Through Certificates, Series 2004-12 is the current beneficiary  
6 and Julian Rodriguez has an interest in, further described as:

7 Lot 1, ESTADO DE CHOLLA, according to the plat of record in the office of the County  
8 Recorder of Maricopa County, Arizona, in Book 521 of Maps, page 46.

9 EXCEPT all coal and other minerals as reserved in patent from the United States of America.

10 IT IS FURTHER ORDERED that Movant may contact the Debtor by telephone or written  
11 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance  
12 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement  
13 with Debtor. However, Movant may not enforce, or threaten to enforce, any personal liability against  
14 Debtor if Debtor's personal liability is discharged in this bankruptcy case.

15 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter  
16 to which the Debtor may convert.

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